

RICHARD D. EMERY
ANDREW G. CELLI, JR.
MATTHEW D. BRINCKERHOFF
JONATHAN S. ABADY
ILANN M. MAAZEL
ERIC HECKER
MARIANN MEIER WANG
SARAH NETBURN
KATHERINE ROSENFELD
O. ANDREW F. WILSON
ELIZABETH S. SAYLOR
KENNISHA A. AUSTIN
DEBBIE GREENBERGER
ELORA MUKHERJEE

EMERY CELLI BRINCKERHOFF & ABADY LLP

ATTORNEYS AT LAW
75 ROCKEFELLER PLAZA, 20TH FLOOR
NEW YORK, NEW YORK 10019

TELEPHONE
(212) 763-5000
TELECOPIER
(212) 763-5001
WEB ADDRESS
www.ecbalaw.com

March 24, 2009

By E-Mail and Federal Express

Hon. Phyllis J. Hamilton
United States District Judge
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *Metro Fuel LLC v. City of San Francisco et al.*, No. C07-6067 (PJH)

Dear Judge Hamilton:

This firm represents the Plaintiff in the above-referenced matter. We write to update the Court about the status of this case and, together with the Defendants, to jointly request that the case management conference scheduled for April 2, 2009, be continued for four weeks.

The petition for rehearing *en banc* was filed in the *Metro Lights* appeal on January 27, 2009. The City of Los Angeles filed its response on March 5, 2009. The Ninth Circuit has not yet ruled on the pending *en banc* petition, although the parties do expect the Ninth Circuit to do so shortly.

Because the *en banc* petition is still pending before the Ninth Circuit, the parties hereby jointly request that the case management conference currently scheduled for April 2, 2009 be continued until April 30, 2009, with a joint case management statement to be filed by the parties on April 23, 2009.


Thank you very much for your attention to this matter.

Respectfully submitted,


Eric Hecker

Thomas Lakritz, Esq. (by e-mail)

IT IS SO ORDERED


Phyllis J. Hamilton
United States District Judge

3/26/09
Date